

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

STEVE BORIA,  
a/k/a "Crom,"  
a/k/a "Crom Gunz,"  
RANDALL HARVEY,  
a/k/a "Twin Po,"  
MARCUS RODRIGUEZ,  
a/k/a "Chavo,"  
a/k/a "Bam,"  
KERMIT IRIZZARY,  
a/k/a "Kerm,"  
JACOB CARGILL,  
a/k/a "Jewelrly,"  
a/k/a "Jews,"  
ISAAC RODRIGUEZ,  
a/k/a "Nash,"  
KEVIN BODLEY,  
a/k/a "Pookie,"  
NIOERGE LOPEZ,  
a/k/a "Yoda,"  
JONATHAN FERRELL,  
a/k/a "J-Roc,"  
DAYVON WILSON,  
a/k/a "Day Day,"  
MAURICE STEELE,  
a/k/a "Reese,"  
a/k/a "Zay,"  
ISAIAH GRANT,  
a/k/a "Izzy Da G,"  
FRANK ROSA,  
a/k/a "Nitty,"  
TYRONE BAILEY,  
a/k/a "Loopy,"  
TYQUAN DUPONT,  
a/k/a "Tod,"  
a/k/a "Todd,"  
KALIYM HOLMES,  
a/k/a "Leem,"  
PHILIP RICHARDS,  
a/k/a "Streets,"

SEALED  
SUPERSEDING  
INDICTMENT

S1 17 Cr. 142 (RA)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: APR 13 2017

JASON ADAMS, and  
 TYRIQUE UNDERWOOD, :  
     a/k/a "Tyrique Underhill," :  
     a/k/a "Ty," :  
                     Defendants. :  
 - - - - - x

COUNT ONE

RACKETEERING CONSPIRACY

The Grand Jury charges:

THE ENTERPRISE

1. At all times relevant to this Indictment, STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews," ISAAC RODRIGUEZ, a/k/a "Nash," KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," and ISAIAH GRANT, a/k/a "Izzy Da G," the defendants, and others known and unknown, were members and associates of the Slut Gang (the "Slut Gang" or the "Enterprise"), a violent street gang and criminal organization whose members and associates engaged in, among other things, attempted murder, robbery, attempted robbery, and narcotics trafficking.

2. The Slut Gang operated principally at the following locations in the Bronx, New York: (a) the Boston-Secor public housing development ("Secor"); (b) the intersection of Dyre Avenue and Light Street; and (3) the Co-op City cooperative housing development.

3. Members of the Slut Gang and their associates sold narcotics, carried loaded guns, and committed acts of violence against rival gangs in the Bronx, including: (a) the "2Fly YGz," which was based in the Eastchester Gardens public housing development and which had a base of operations at Haffen Park, a public park in the vicinity of Burke Avenue ("2Fly"); and (b) the Big Money Bosses, which was based in the vicinity of White Plains Road ("BMB").

4. STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," was a leader of the Slut Gang. Among other things, BORIA ordered acts of violence against rival gang members, including violence against members of 2Fly, in the summer of 2012, at Haffen Park.

5. The Slut Gang, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. At all times

relevant to this Indictment, the Enterprise has engaged in, and its activities affected, interstate and foreign commerce.

6. STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews," ISAAC RODRIGUEZ, a/k/a "Nash," KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," and ISAIAH GRANT, a/k/a "Izzy Da G," the defendants, were members and associates of the Enterprise who carried out unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

#### PURPOSES OF THE ENTERPRISE

7. The purposes of the Enterprise included the following:

a. Enriching the members and associates of the Enterprise through, among other things, the distribution of narcotics—including cocaine base, marijuana, heroin, and ecstasy—as well as robbery and attempted robbery.

b. Preserving and protecting the power of the Enterprise and its members and associates through acts involving murder, other acts of violence, and threats of violence.

c. Promoting and enhancing the Enterprise and the activities of its members and associates.

## MEANS AND METHODS OF THE ENTERPRISE

8. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the Enterprise committed, conspired to commit, and attempted to commit acts of violence, including murder, to protect and expand the Enterprise's criminal operations, and in connection with rivalries with members of other street gangs, such as 2Fly.

b. Members and associates of the Enterprise used physical violence and threats of violence, including murder and attempted murder, against others.

c. Members and associates of the Enterprise used physical violence against various people, including attempted murders.

d. Members and associates of the Enterprise participated in robberies and attempted robberies.

e. Members and associates of the Enterprise sold narcotics, including cocaine base, marijuana, heroin, and ecstasy.

## THE RACKETEERING VIOLATION

9. From at least in or about 2010, up to and including in or about 2017, in the Southern District of New York and

elsewhere, STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews," ISAAC RODRIGUEZ, a/k/a "Nash," KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," and ISAIAH GRANT, a/k/a "Izzy Da G," the defendants, and others known and unknown, being persons employed by and associated with the Enterprise described in paragraphs 1 through 8 of Count One of this Indictment, to wit, the Slut Gang, knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, Section 1962(c) of Title 18, United States Code, that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Enterprise, which was engaged in, and the activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity consisting of:

Multiple acts involving murder, in violation of New York Penal Law, Sections 20.00, 125.25, and 125.27 (murder); New York Penal Law, Sections 20.00, 110.00, and 125.25 (attempted murder); and New York Penal Law, Sections 105.15 and 125.25 (conspiracy to murder);

Multiple acts involving robbery, in violation of New York Penal Law, Sections 160.10, 160.05, 20.00 (robbery); New York Penal Law, Section 160.10, 160.05, 110.00 (attempted robbery); New York Penal Law 105.10 (conspiracy to commit robbery).

Multiple acts involving the distribution of controlled substances, including over 280 grams of cocaine base, marijuana, heroin, and 3,4 Methylenedioxymethamphetamine, in violation of the laws of the United States, specifically Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(A), and 846, and Title 18, United States Code, Section 2.

It was a part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the Enterprise.

(Title 18, United States Code, Section 1962(d).)

## COUNT TWO

### NARCOTICS CONSPIRACY

The Grand Jury further charges:

10. From at least in or about 2010, up to and including in or about 2017, in the Southern District of New York and elsewhere, STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews," KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," ISAIAH GRANT, a/k/a "Izzy Da G," FRANK ROSA, a/k/a "Nitty," TYRONE BAILEY, a/k/a "Loopy," TYQUAN DUPONT, a/k/a "Tod," KALIYM HOLMES, a/k/a "Leem," PHILIP RICHARDS, a/k/a

"Streets," JASON ADAMS, TYRIQUE UNDERWOOD, a/k/a "Tyrique Underhill," a/k/a "Ty," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

11. It was a part and an object of the conspiracy that STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews," KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," ISAIAH GRANT, a/k/a "Izzy Da G," FRANK ROSA, a/k/a "Nitty," TYRONE BAILEY, a/k/a "Loopy," TYQUAN DUPONT, a/k/a "Tod," a/k/a "Todd," KALIYM HOLMES, a/k/a "Leem," PHILIP RICHARDS, a/k/a "Streets," JASON ADAMS, and TYRIQUE UNDERWOOD, a/k/a "Tyrique Underhill," a/k/a "Ty," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

12. The controlled substances that STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews,"



KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," ISAIAH GRANT, a/k/a "Izzy Da G," FRANK ROSA, a/k/a "Nitty," TYRONE BAILEY, a/k/a "Loopy," TYQUAN DUPONT, a/k/a "Tod," a/k/a "Todd," KALIYM HOLMES, a/k/a "Leem," PHILIP RICHARDS, a/k/a "Streets," JASON ADAMS, and TYRIQUE UNDERWOOD, a/k/a "Tyrique Underhill," a/k/a "Ty," the defendants, conspired to distribute and possess with intent to distribute were: (1) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack" cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A); (2) 50 kilograms and more of a quantity of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(C); (3) a quantity of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (4) mixtures and substances containing a detectable amount of 3,4-Methylenedioxymethamphetamine, in a form commonly known as "molly."

(Title 21, United States Code, Section 846.)

COUNT THREE

USE OF FIREARMS IN FURTHERANCE OF COUNTS ONE AND TWO

The Grand Jury further charges:

13. From at least in or about 2010 up to and including in or about 2017, in the Southern District of New York and elsewhere, STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews," ISAAC RODRIGUEZ, a/k/a "Nash," KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," ISAAH GRANT, a/k/a "Izzy Da G," FRANK ROSA, a/k/a "Nitty," TYRONE BAILEY, a/k/a "Loopy," TYQUAN DUPONT, a/k/a "Tod," a/k/a "Todd," and KALIYM HOLMES, a/k/a "Leem," the defendants, and others known and unknown, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the racketeering conspiracy charged in Count One of this Indictment, and during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count Two of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and

abet the use, carrying, and possession of firearms, including firearms that were brandished and discharged on multiple occasions.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii), 924(c)(1)(A)(ii), 924(c)(1)(A)(i), and 2.)

#### COUNT FOUR

#### ROBBERY CONSPIRACY

The Grand Jury further charges:

14. On or about August 25, 2016, in the Southern District of New York and elsewhere, FRANK ROSA, a/k/a "Nitty," and TYRONE BAILEY, a/k/a "Loopy," the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, ROSA and BAILEY agreed to commit an armed robbery of a narcotics trafficker selling narcotics that moved in interstate commerce.

(Title 18, United States Code, Section 1951.)

## COUNT FIVE

### EXTORTION

The Grand Jury further charges:

15. In or about 2017, in the Southern District of New York and elsewhere, TYRONE BAILEY, a/k/a "Loopy," the defendant, committed extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), and thereby obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, BAILEY extorted a trafficker of untaxed cigarettes at gunpoint.

(Title 18, United States Code, Section 1951.)

### FORFEITURE ALLEGATION AS TO COUNT ONE

16. As a result of committing the offense alleged in Count One of this Indictment, STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews," ISAAC RODRIGUEZ, a/k/a "Nash," KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," ISIAH GRANT, a/k/a "Izzy Da G," the defendants, shall forfeit to the

United States, pursuant to Title 18, United States Code, Section 1963, (i) any interest the defendants acquired or maintained as a result of the commission of the offense alleged in Count One of the Indictment; (ii) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which the defendant has established, operated, controlled, conducted, or participated in the conduct of, in committing the offense alleged in Count One of the Indictment; and (iii) any property, constituting or derived from, any proceeds which the defendants obtained, directly and indirectly, from the racketeering activity alleged in Count One of this Indictment.

Substitute Assets Provision

17. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 1963; Title 21, United States Code, Section 853(p); and Title 28, United States Code, Section 2461(c).)

**FORFEITURE ALLEGATION AS TO COUNT TWO**

18. As a result of committing the controlled substance offense alleged in Count Two of this Indictment, STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz," RANDALL HARVEY, a/k/a "Twin Po," MARCUS RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a "Jewelry," a/k/a "Jews," KEVIN BODLEY, a/k/a "Pookie," NIORGE LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE STEELE, a/k/a "Reese," a/k/a "Zay," ISAIAH GRANT, a/k/a "Izzy Da G," FRANK ROSA, a/k/a "Nitty," TYRONE BAILEY, a/k/a "Loopy," TYQUAN DUPONT, a/k/a "Tod," a/k/a "Todd," KALIYM HOLMES, a/k/a "Leem," PHILIP RICHARDS, a/k/a "Streets," JASON ADAMS, and TYRIQUE UNDERWOOD, a/k/a "Tyrique Underhill," a/k/a "Ty," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds said defendants obtained directly

or indirectly as a result of the violation alleged in Count Two of this Indictment and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of said violation, including, but not limited to, a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offense alleged in Count Two of the Indictment.


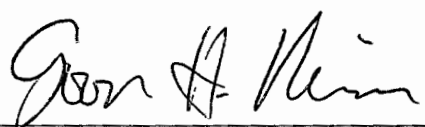
Substitute Asset Provision

19. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21,  
United States Code, Section 853(p), to seek forfeiture of any  
other property of the defendants up to the value of the above  
forfeitable property.

(Title 21, United States Code, Section 853.)

  
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FOREPERSON  
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JOON H. KIM <sup>US</sup>  
Acting United States Attorney



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

STEVE BORIA, a/k/a "Crom," a/k/a "Crom Gunz,"  
RANDALL HARVEY, a/k/a "Twin Po," MARCUS  
RODRIGUEZ, a/k/a "Chavo," a/k/a "Bam," KERMIT  
IRIZZARY, a/k/a "Kerm," JACOB CARGILL, a/k/a  
"Jewelry," a/k/a "Jews," ISAAC RODRIGUEZ, a/k/a  
"Nash," KEVIN BODLEY, a/k/a "Pookie," NIORGE  
LOPEZ, a/k/a "Yoda," JONATHAN FERRELL, a/k/a "J-  
Roc," DAYVON WILSON, a/k/a "Day Day," MAURICE  
STEELE, a/k/a "Reese," a/k/a "Zay," ISAIAH GRANT,  
a/k/a "Izzy Da G," FRANK ROSA, a/k/a "Nitty,"  
TYRONE BAILEY, a/k/a "Loopy," TYQUAN DUPONT,  
a/k/a "Tod," a/k/a "Todd," KALIYM HOLMES, a/k/a  
"Leem," PHILIP RICHARDS, a/k/a "Streets," JASON  
ADAMS, and TYRIQUE UNDERWOOD, a/k/a "Tyrique  
Underhill," a/k/a "Ty,"

Defendants.

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SEALED SUPERSEDING INDICTMENT

S1 17 Cr. 142 (RA)

(18 U.S.C. §§ 1962(d),  
924(c)(1)(A)(iii), and 2, and 21  
U.S.C. § 846.)

JOON H. KIM

Acting United States Attorney.

A TRUE BILL

Foreperson.

4/13/17 - Filed Sealed Superseding Indictment  
cc  
Filed & W's.

J Peak  
USMA2